

grams of oxytetracycline and 90 to 110 grams of monensin per ton as an aid in the reduction of mortality due to airsacculitis (air-sac infection) caused by *Escherichia coli* sensitive to oxytetracycline, and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*. Based on the data and information submitted, the supplement is approved and the regulations are amended accordingly. The basis of approval is discussed in the freedom of information summary.

In addition, the regulations in 21 CFR 558.450 for use of oxytetracycline (200 grams per ton) with monensin (90 to 110 grams per ton) and for oxytetracycline (500 grams per ton) had been approved for the mono-alkyl (C_8-C_{18}) trimethylammonium salt. The regulations had inadvertently failed to identify the approved salt. The regulations are further amended to specify the approved oxytetracycline salt.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 558.355 is amended by adding new paragraphs (b)(12) and (f)(1)(xxii) to read as follows:

§ 558.355 Monensin.

(b) * * *
(12) To 000069: paragraph (f)(1)(xxii) of this section.

(f) * * *

(1) * * *

(xxii) Amount per ton. Monensin, 90 to 110 grams plus oxytetracycline, 500 grams.

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; as an aid in the reduction of mortality due to airsacculitis (air-sac infection) caused by *Escherichia coli* sensitive to oxytetracycline.

(b) *Limitations.* Feed for 5 days as sole ration. Do not feed to laying

chickens. Withdraw 24 hours before slaughter. As monensin sodium provided by No. 000986 in § 510.600(c) of this chapter. As mono-alkyl (C_8-C_{18}) trimethylammonium oxytetracycline provided by No. 000069 in § 510.600(c) of this chapter.

3. Section 558.450 is amended in paragraph (d)(1), Table 1, in item (iv) by adding an additional limitation for oxytetracycline with monensin and in item (v) by adding an additional limitation and a new entry; and in paragraph (d)(2) by adding (ii) [Reserved] to read as follows:

§ 558.450 Oxytetracycline.

(d) * * *

(1) * * *

TABLE 1.—IN COMPLETE CHICKEN AND TURKEY FEED

Oxytetracycline in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iv) * * *	Monensin 90 to 110		As monoalkyl (C_8-C_{18}) trimethylammonium oxytetracycline.	
(v) * * *	Monensin 90 to 110	Broiler chickens; as an aid in the reduction of mortality due to airsacculitis (air-sac infection) caused by <i>Escherichia coli</i> sensitive to oxytetracycline; as an aid in the prevention of coccidiosis caused by <i>Eimeria necatrix</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. mivati</i> , and <i>E. maxima</i>	Feed for 5 days as sole ration; do not feed to laying chickens; withdraw 24 hours before slaughter. As monensin sodium. As monoalkyl (C_8-C_{18}) trimethylammonium oxytetracycline	

(2) * * *
(ii) [Reserved]

Dated: April 29, 1986.

Marvin A. Norcross,
Acting Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-10058 Filed 5-5-86; 8:45 am]

BILLING CODE 4150-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[Order No. 1134-86]

Fees for the Federal Bureau of Investigation Identification Record

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule permits the FBI Identification Division to increase the fee for the production of identification records to the subjects of such records

set forth in § 16.33 of Title 28 of the Code of Federal Regulations (CFR). It also revises certain sections to reflect the FBI Identification Division's new nine-digit ZIP Code.

EFFECTIVE DATE: May 1, 1986.

FOR FURTHER INFORMATION CONTACT: Melvin D. Mercer, Jr., Chief of the Recording and Posting Sections, Identification Division, FBI, Washington, D.C. 20537-9700, telephone number (202) 324-5454.

SUPPLEMENTARY INFORMATION: A proposed rule to increase the fee for the production of identification records to the subjects of such records was published in the Federal Register on February 6, 1986 (51 FR 4614, 4615). Interested persons were allowed 30 days to submit comments on the proposal. No comments were received.

Departmental Order 556-73 (38 FR 32806, November 28, 1973) directed that the FBI publish rules for the dissemination of arrest and conviction records upon request. This order

resulted from a determination that section 534 of Title 28 of the United States Code (U.S.C.) does not prohibit the subjects of arrest and conviction records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, a set of rolled-inked fingerprint impressions and the appropriate processing fee. Based on current cost analysis, the cost for production of an FBI identification record has increased from \$11.00 to \$14.00.

This final rule also revises the five-digit ZIP Code appearing in 28 CFR 16.32 and 16.34 to reflect the FBI Identification Division's new nine-digit ZIP Code, 20537-9700.

List of Subjects in 28 CFR Part 16

Archives and records, Freedom of Information, Privacy, Sunshine Act.

PART 16—[AMENDED]

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 16, Subpart C of Title 28 of the CFR is amended as follows:

1. The authority citation for Part 16 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510; 28 U.S.C. 534; 31 U.S.C. 9701.

2. All other authority citations are removed from this Part.

3. Section 16.32 is revised to read as follows:

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Identification Division, Washington, D.C. 20537-9700, or may present his/her written request in person during regular business hours to the FBI Identification Division, Room 11262, J. Edgar Hoover F.B.I. Building, Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

4. Section 16.33 is revised to read as follows:

§ 16.33 Fee for production of identification record.

Each written request for production of an identification record must be accompanied by a fee of \$14.00 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10 of this part. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency.

5. Section 16.34 is revised to read as follows:

§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the Assistant Director of the FBI Identification Division, Washington, D.C. 20537-9700. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI Identification Division will make any changes necessary in accordance with the information supplied by that agency.

Dated: April 29, 1986.

Edwin Meese III,

Attorney General.

[FR Doc. 86-10047 Filed 5-5-86; 8:45 am]

BILLING CODE 4410-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal-Interest Rates

Correction

In FR Doc. 86-9582 beginning on page 16021 in the issue of Wednesday, April 30, 1986, make the following correction:

On page 16022 in § 2676.15(c), in the first column of the table, "April 1986" should read "May 1986".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendments for the State of Ohio, Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval, with certain exceptions, of certain amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By a letter dated January 15, 1986, the Ohio Department of Natural Resources (ODNR) submitted amendments to the rules of procedures for the Reclamation Board of Review (RBR, the Board). OSMRE published a notice in the *Federal Register* on February 26, 1986, inviting public comment on the adequacy of the proposed amendments (51 FR 6752).

By a letter dated March 7, 1986, ODNR resubmitted the RBR rules as they were promulgated as final rules. The final RBR rules contained some differences from the rules announced in the February 26 *Federal Register* and from the proposed RBR rules approved by OSMRE on May 23, 1985 and September 18, 1985 (50 FR 21258, 50 FR 37848). As a result, OSMRE reopened and extended the public comment period on April 1, 1986 (51 FR 11055).

After providing an opportunity for public comment and conducting a thorough review of the program amendments, the Director of OSMRE has determined that all but one of the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving these program amendments and requiring the ODNR to amend the one rule. The Federal rules at 30 CFR Part 935 which codify decisions on the Ohio program are being amended to implement this decision.

This final rule is being made effective immediately to expedite the State program amendment process and encourage States to bring their programs into conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: May 6, 1986.

FOR FURTHER INFORMATION CONTACT:

Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 Hamilton Road, Columbus, Ohio 43232; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by the notice published in the August 10, 1982 *Federal Register*. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11 and 935.15.

II. Discussion of Amendments

By letter dated January 15, 1986, the Ohio Department of Natural Resources submitted proposed amendments to the Reclamation Board of Review rules at 1513-3-01, 1513-3-02, 1513-3-03, 1513-3-04, 1513-3-16, 1513-3-17, and 1513-3-21. The proposed amendments consist of the following:

(1) Revisions to 1513-3-01 *Definitions*, "burden of persuasion" and "proffer";

(2) Revision to 1513-3-02 *Internal regulations*, rules for a quorum, deciding tie votes, keeping records of the RBR's actions, issuance of subpoenas, and governing proceedings following amendment of the RBR's rules;

(3) Revisions to 1513-3-03 *Appearance and practice before the board*, concerning ethical standards of persons appearing before the board and representation before the RBR;

(4) Revisions to 1513-3-04 *Appeals to the RBR*, concerning identification of counsel, if counsel is used, contents of an appeal, and grounds for dismissing an appeal;

(5) Revisions to 1513-3-16 *Conduct of evidentiary hearings*, rules concerning evidence, stipulation, written testimony,

witnesses, post-hearing briefs, and additional oral arguments;

(6) Revisions to 1513-3-17 *Voluntary dismissal and settlement* setting forth rules for a settlement prior to a final order by the RBR; and

(7) Revisions to 1513-3-21 *Award of costs and expenses*.

On February 26, 1986, OSMRE published an announcement of the receipt of the amendments and inviting public comment on the adequacy of the proposed amendments (51 FR 6752). The notice stated that a public hearing would be held only if requested. Since there were no requests for hearing, a hearing was not held. The comment period closed on March 28, 1986.

During the comment period, the State resubmitted to OSMRE a set of the RBR rules as they were promulgated in final form (by letter dated March 7, 1986). These final rules contained some differences from the RBR rules dated January 15, 1986, and announced in the *Federal Register* on February 26, 1986, and the proposed RBR rules previously approved by OSMRE on May 23, 1985, and September 18, 1985 (50 FR 21256, 50 FR 37846). Accordingly, OSMRE reopened and extended the comment period to allow consideration of the final version of the RBR rules. The reopening was announced in the *Federal Register* on April 1, 1986 (51 FR 11055). The comment period closed on April 16, 1986. No comments were received.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Ohio on January 15, 1986, and resubmitted on March 7, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII, with one exception as discussed below.

Ohio has previously submitted its RBR regulations to OSMRE for approval. The regulations were approved by OSMRE before they were promulgated by ODNR in final form in the May 23, and September 18, 1985 *Federal Register* (50 FR 21256, 50 FR 37846). The revisions submitted to OSMRE on January 15, 1986, are incorporated into the final rules submitted on March 7, 1986 with the exception of 1513-3-21 which now contains language which the Director finds less effective than the Federal regulations.

Ohio Administrative Code Regulation—Reclamation Board of Review Rules of Procedure

1513-3-01—Definitions. Ohio has added a definition of "burden of

persuasion". It is defined as proof by a preponderance of evidence. The definition of "proffer" was amended to include the offer or tender of "testimony or documents or other tangible objects" into evidence. The Director finds the definitions to be in accordance with the requirements of SMCRA and no less effective than the Federal regulations at 43 CFR Part 4.

1513-3-02—Internal regulations. Ohio has amended this section to set forth the procedures for obtaining concurrence on Board decisions if at least four Board members do not concur. It further sets forth procedures for deciding a tied vote. It also establishes that the papers and files of the Board may not be removed from the secretary's custody without the secretary's consent; the records and files of the Board are available for inspection during regular business hours; Board proceedings shall be recorded by audio electronic devices and other means if requested, and proceedings transcripts will be available for reproduction. Section (I) establishes the procedures used for the issuance of subpoenas and section (K) states how Board proceedings will be handled following amendment of any RBR rules. The RBR regulations are in accordance with SMCRA and no less effective than the Federal regulations at 43 CFR Part 4.

1513-3-03—Appearance and practice before the Board. This amendment requires all persons appearing before the Board to conform to the standards of ethical conduct required in appearances before the State courts. The Board may bar participation in a particular proceeding for good cause. The rule also sets forth who may represent whom in the absence of an attorney. The Director finds the amendment to be in accordance with SMCRA and no less effective than the Federal regulations at 43 CFR Part 4.

1513-3-04—Appeals to the RBR. This regulation requires an appellant to supply the name, address and telephone number of his/her counsel, if used, in an appeal. The regulation also adds to the information that the appellant must supply if a review is sought. Specifically, the appellant must identify the manner in which he/she is aggrieved and the relief sought. Finally, the regulation states that failure to comply with the provisions of 1513.13 of the Revised Code is grounds for dismissing the appeal and confirming the action of the Board or Chief of the Division of Reclamation. The Director finds the amendment to be in accordance with SMCRA and no less effective than Federal regulations at 43 CFR Part 4.

1513-3-16—Conduct of evidentiary hearings. This regulation contains minor editorial changes; it also allows objections to evidence and cross-examinations with a brief statement of the grounds for the objection and allows the record to include argument on the objection. The regulation also establishes that an exception at any stage of the hearing is unnecessary to lay a foundation for review whenever a matter has been called to the attention of the Board. The regulation sets forth the manner and circumstances in which a proffer may be made. The regulation specifies that public documents entered as part of the record must be held by the Board. If the documents are necessary for the Chief, Division of Reclamation to use in preparing the case, the Chief may keep the documents pending recall by the Board. The regulation states that stipulations concerning issues of facts or authenticity of documents before the Board must have concurrences from all of the parties to an appeal. A new section has been added that sets forth the procedures for the use of written testimony and adds procedures for the use of witnesses and the issues on which the Board may request post hearing briefs. The regulation also allows the Board to order additional oral arguments. The Director finds the amendment to be in accordance with SMCRA and no less effective than 43 CFR Part 4.

1513-3-17—Voluntary dismissal and settlement. A new section has been added to allow a settlement prior to a final order if all parties agree. The terms of the settlement must be submitted to the Board for final action. The Director finds the amendment to be in accordance with SMCRA and no less effective than 30 CFR Part 4.

1513-3-21—Award of costs and expenses. This regulation allows the award of costs and expenses to a permittee from any person or the State if the permittee participates in any proceeding under Chapter 1513 of the Revised Code upon a finding that the permittee made a substantial contribution to a full and fair determination of the issues. It also allows the award of costs and expenses to the State upon a finding that it made a substantial contribution to a full and fair determination of the issues. This is less effective than the Federal regulations at 43 CFR 4.1294. The Federal regulations establish a different more stringent test for the awarding of costs and expenses to permittees and the State. The higher standard set forth in 43 CFR 4.1294 allows the awarding of costs or expenses only if the permittee

or State can prove that the proceeding was initiated in bad faith for the purpose of harassing or embarrassing the permittee or State. The Director finds that OAC 1513-3-21 is less effective than 43 CFR 4.1294, and he is not approving it.

IV. Public Comments

No public comments were received.

V. Director's Decision

The Director, based on the above findings, is approving the RBR final rules of procedures as submitted to OSMRE on March 7, 1986, with the exception of OAC 1513-3-21. The Director is amending Part 935 of 30 CFR Chapter VII to reflect approval of the State program amendments, except OAC 1513-3-21 which he is not approving. Part 935 will also be amended to require an amendment to OAC 1513-3-21.

VI. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 30, 1986.

Brent Wahlquist,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 935—OHIO

30 CFR Part 935 is amended as follows:

1. The authority citation for Part 935 continues to read as follows:

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR Part 935, is being amended to add a new § 935.12 to read as follows:

§ 935.12 State program provisions disapproved.

The following provision of the Ohio permanent regulatory program submission is hereby disapproved:

(a) Section 1513-3-21 of the Ohio Administrative Code is not approved to the extent that it states: "(3) To a permittee from any person or the State of Ohio, if the permittee initiates or participates in any proceeding under Chapter 1513 of the Revised Code upon a finding that the permittee made a substantial contribution to a full and fair determination of the issues and (4) To the Division of Reclamation where it participates in any proceeding under Chapter 1513 of the Revised Code upon a finding that the Division made a substantial contribution to a full and fair determination of the issues."

(b) [Reserved]

3. In part 935, § 935.15 is amended by adding a new paragraph (t) as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(t) The following amendments submitted to OSMRE on January 15, 1986, as modified on March 7, 1986, are approved effective May 6, 1986: Ohio Administrative Code, Sections 1513-3-01, 1513-3-02, 1513-3-03, 1513-3-04, 1513-3-16, and 1513-3-17.

4. 30 CFR Part 935 is being amended to add a new § 935.16 to read as follows:

§ 935.16 Required program amendments.

Pursuant to 30 CFR 732.17, Ohio is required to submit for OSMRE's approval the following proposed amendment by the date specified.

(a) By January 30, 1987, Ohio shall amend its program at OAC 1513-3-21 to be no less effective than 43 CFR Part 4 concerning the award of costs and expenses.

(b) [Reserved]

[FR Doc. 86-10083 Filed 5-5-86; 8:45 am]

BILLING CODE 4310-05-M